

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

BOUCHARD TRANSPORTATION CO., INC., *et al.*,¹

Debtors.

)
) Chapter 11
)
) Case No. 20-34682 (DRJ)
)
) (Jointly Administered)
)

**EMERGENCY MOTION OF AKIN GUMP STRAUSS HAUER & FELD LLP
TO WITHDRAW AS COUNSEL**

Emergency relief has been requested.

If you object to the requested relief or you believe that emergency consideration is not warranted, you must file a written response prior to the below date by which relief is requested. Otherwise, the Court may treat the request as unopposed and grant the relief requested.

Relief is requested not later than Monday, June 7, 2021.

Pursuant to Southern District of Texas Local Rule 83.2, Akin Gump Strauss Hauer & Feld LLP (“Akin Gump”) files this emergency motion to withdraw as counsel for interested parties Morton S. Bouchard, III, Linda Bouchard, Morton S. Bouchard III 2017 Family Trust, and Morton S. Bouchard III 2017 Family Trust (Exempt Share) (collectively, the “Bouchard III Interested Parties”), and in support thereof respectfully states as follows:

BACKGROUND

1. The Bouchard III Interested Parties have been represented in the above-captioned chapter 11 cases by Philip C. Dublin and Marty L. Brimmage, Jr. of the law firm of Akin Gump.

¹ Due to the large number of Debtors in these chapter 11 cases, a complete list of the Debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list may be obtained on the website of the Debtors’ claims and noticing agent at <https://cases.stretto.com/bouchard>. The location of the Debtors’ service address is: 58 South Service Road, Suite 150, Melville, New York 11747.

Mr. Brimmage filed a notice of appearance in the above-captioned cases (the “Chapter 11 Cases”) at ECF No. 584. Mr. Dublin filed a motion to appear *pro hac vice* at ECF No. 585, which was granted at ECF No. 586.

2. Irreconcilable differences have arisen between Akin Gump and the Bouchard III Interested Parties that make it impossible for Akin Gump to continue to effectively represent the Bouchard III Interested Parties in these chapter 11 cases.

3. The Bouchard III Interested Parties currently have legal representation from attorneys Rashad Wareh of Kozusko Harris Duncan LLP and Douglas E. Spelfogel of Foley & Lardner LLP, and possibly others, though such attorneys advise that they have not been engaged in these chapter 11 cases at this time.

4. The undersigned certifies that he conferred with Morton S. Bouchard, III, and other counsel for the Bouchard III Interested Parties regarding this motion. The comments from Mr. Bouchard, III, and the other counsel for the Bouchard III Interested Parties have been incorporated into this motion and Mr. Bouchard, III, has consented to this motion and the proposed withdrawal.

BASIS FOR EMERGENCY CONSIDERATION

5. Due to irreconcilable differences, Akin Gump cannot continue representing, and must immediately withdraw from representing, the Bouchard III Interested Parties.

REQUEST FOR RELIEF

6. Akin Gump requests that the Court consent to the immediate withdrawal of Mr. Dublin, Mr. Brimmage, and Akin Gump as counsel of record for the Bouchard III Interested Parties in these chapter 11 cases.

7. Akin Gump also respectfully requests that the Court grant the Bouchard III Interested Parties thirty days to obtain substitute counsel of record in these chapter 11 cases and stay for thirty days the expiration of deadlines with respect to the Bouchard III Interested Parties.

8. The proposed withdrawal of counsel and extension of time with respect to the Bouchard III Interested Parties will not delay the Debtors' chapter 11 cases.

WHEREFORE, Akin Gump requests that the Court authorize the proposed withdrawal of Mr. Dublin, Mr. Brimmage, and Akin Gump as the Bouchard III Interested Parties' counsel; grant the Bouchard III Interested Parties thirty days to obtain substitute counsel and stay deadlines with respect to the Bouchard III Interested Parties for thirty days; and provide such other and further relief as the Court deems just, proper, and equitable.

Dated: June 3, 2021
Houston, Texas

AKIN GUMP STRAUSS HAUER & FELD LLP

/s/ Marty L. Brimmage, Jr.

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-and-

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*Counsel for Morton S. Bouchard, III, Linda
Bouchard, Morton S. Bouchard III 2017 Family
Trust, and Morton S. Bouchard III 2017 Family
Trust (Exempt Share)*

CERTIFICATE OF CONFERENCE

I hereby certify that on June 3, 2021, I conferred with the Bouchard III Interested Parties and their other counsel, and counsel for the Debtors and the Official Committee of Unsecured Creditors regarding the relief sought in this motion. The Bouchard III Interested Parties and their other counsel are in full agreement with the relief sought in this motion. The Debtors and the Official Committee of Unsecured Creditors are not opposed to the proposed withdrawal sought in this motion, but are opposed to the thirty-day extension of deadlines requested in the motion.

/s/ Marty L. Brimmage, Jr.

Marty L. Brimmage, Jr.

CERTIFICATE OF SERVICE

I hereby certify that, on June 3, 2021, I caused a true and correct copy of the foregoing to be served via email through the Court's Electronic Case Filing System on the parties that have consented to such service.

/s/ Marty L. Brimmage, Jr.

Marty L. Brimmage, Jr.